

CHAPTER 20.85

ACCESSORY DWELLING UNITS

Sections:

20.85.010	Purpose
20.85.015	Definitions
20.85.020	Prohibitions
20.85.025	Use Permit Required
20.85.030	Development Standards
20.85.035	Verification of Occupancy
20.85.040	Recordation Required
20.85.045	Termination of Use

20.85.010 Purpose

- A. To establish procedures for the creation of granny units as defined herein and in California Government Code Section 65852.1, and to provide development standards to insure the orderly development of these units in appropriate areas of the City.
- B. To prohibit the development of second units, as defined herein, single family residential lots as provided for in Section 65852.2 of the California Government Code.

20.85.015 Definition

For purposes of this chapter, the following

- A. Granny Unit. As used in this chapter, a granny unit is defined as a detached or attached dwelling unit to be constructed on a site zoned for a single family residence in conjunction with a primary residence, with the second dwelling unit intended for the sole occupancy of 1 or 2 adult persons who are 60 years of age or older, and the area of floor space of the second dwelling unit does not exceed 640 square feet.
- B. Second Unit. A dwelling unit accessory to and either attached to, detached from, or contained within the primary dwelling unit on a site.

20.85.020 Prohibitions

The creation of a second unit on all sites within the City of Newport Beach where the zoning and General Plan permit only 1 dwelling unit is expressly prohibited. Nothing contained herein shall affect the creation of granny units under Section 65852.1 of the California Government Code that are in compliance with the Newport Beach Municipal Code.

20.85.025 Use Permit Required

Approval of a use permit by Planning Director in accordance with the provisions of Chapter 20.91 is required for the establishment of any granny unit as defined in this chapter.

20.85.030 Development Standards

The following standards shall be met prior to the occupancy of the granny unit pursuant to this chapter:

- A. Building Height. Building height shall be regulated by Chapter 20.65, in accordance with the "Official Height Limitations Zone Map" incorporated within Chapter 20.65. Granny units located in the R-1 District which are detached from the primary residence and on the second floor of an accessory building are permitted to conform to the provisions of the 24/28 Foot Height Limitation Zone.
- B. Setback Requirements. All building setbacks required in the district in which the granny unit is proposed shall be met.
- C. Minimum Lot Size. A minimum lot size of 5,450 square feet shall be required in order to establish a granny unit pursuant to this chapter.
- D. Minimum Floor Area. Each granny unit established pursuant to this chapter shall provide a minimum of 600 square feet of floor area, as measured from within the surrounding perimeter walls of the unit.
- E. Maximum Floor Area. No granny unit established pursuant to this chapter shall have more than 640 square feet of floor area, as measured from within the surrounding perimeter walls of the unit.
- F. Parking Required. In addition to the parking required for the primary residence, there shall be at least 1 independently accessible parking space for the granny unit, provided there are at least 2 covered parking spaces on the site. This additional parking space shall be kept free, clear, and accessible for the parking of a vehicle at all times.

- G. Owner/Occupancy Required. The primary residence or the granny unit shall be continuously occupied by at least 1 person having an ownership interest in the property.

20.85.035 Verification of Occupancy

Commencing with the final inspection of the granny unit by a City Building Inspector and on an annual basis every year thereafter, the property owner shall submit to the Planning Director the names and birth dates of any and all occupants of the granny unit constructed pursuant to this chapter to verify occupancy by a person or persons 60 years of age or older. Upon any change of tenants, the property owner shall notify the City immediately. This information shall be submitted in writing and contain a statement signed by the property owner certifying under penalty of perjury that all of the information is true and correct.

20.85.040 Recordation Required

Subsequent to the approval of a use permit and prior to the issuance of a building and/or grading permit for a granny unit, the property owner shall record a deed restriction with the County Recorder's Office, the form and content of which is satisfactory to the City Attorney, stating that under no circumstances shall the granny unit be rented to or otherwise occupied by any person or persons less than 60 years of age. Said document shall also contain all conditions of approval imposed by the Planning Commission or City Council. This deed restriction shall remain in effect so long as the granny unit exists on the property.

20.85.045 Termination of Use

In the event that the property owner desires to terminate the use of the granny unit and remove the deed restriction, building permits shall be obtained that restore the property to a single dwelling unit as defined in Section 20.03.030. The Planning Director shall review and approve the plans prior to the issuance of the building permits to insure compliance with the intent of this section and Section 20.03.030. Upon completion of the final inspection by a City Building Inspector, the Planning Director shall cause the deed restriction to be removed from the property by the County Recorder.